

## IN THE HIGH COURT OF JUDICATURE OF BOMBAY

## ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.626 OF 1990

WITH

SUMMARY SUIT NO.414 OF 1990

Bank of Maharashtra. ..Plaintiffs.

V/s.

M/s.Chemicals &amp; Machinery Pvt.Ltd.&amp; Anr...Defendants.

Mr.U.A.Mahajan i/b. Divekar &amp; Co. for Plaintiffs.

CORAM: A.M.KHANWILKAR,J

DATE : SEPTEMBER 27, 2007.

P.C. :

1. As per office noting it appears that Summons for Judgment is already disposed of on 10th September, 1993. However, Counsel for the Plaintiffs submits that no formal order disposing of the Summons for Judgment has been passed so far. The stand taken on behalf of the Plaintiffs is reinforced from the record. The Associate is unable to trace out any order or noting, which would indicate that the Court has passed order disposing of the Summons for Judgment. In this backdrop, I am inclined to accept the request made on behalf of the Plaintiffs that instead of keeping the matter pending to examine this aspect, the appropriate course is to dispose of the Summons for Judgment by granting unconditional leave

to the Defendants, so that the Suit can proceed on merits. This is so because, no order has been passed on Summons for Judgment so far for almost 17 years. Accordingly, Summons for Judgment is disposed of by granting unconditional leave to the defendants.

2. In so far as the Suit is concerned, as unconditional leave is granted to the Defendants the defendants to file written statement within six weeks from today. Suit is made returnable on 22nd November, 2007.

3. Plaintiffs to take necessary steps, as may be advised.

(A.M.KHANWILKAR,J)